

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YUKO ITO, TOMIO ITO, TOSHIJI AKAGI
and MASAYUKI SUDA

Appeal No. 2001-2265
Application No. 09/151,934

ON BRIEF

Before OWENS, TIMM and JEFFREY T. SMITH, *Administrative Patent Judges.*

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal from the final rejection of claims 8-11 and 16-18. Claims 12-15, which are all of the other claims remaining in the application, stand withdrawn from consideration by the examiner as being directed toward a nonelected invention.

THE INVENTION

The appellants claim a method for making a bent automotive

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sunshade panel having flanged longitudinal edges. Claim 8 is illustrative:

8. A method of manufacturing an automotive sunshade panel, comprising the steps of:

bending a hollow aluminum panel having longitudinal edges by means of twin rolls consisting of a rigid roll and an elastic roll and in the roll circumferential direction (Y-Y axis), to have a radius of curvature of 1000 to 15000 mm, and

flanging said longitudinal edges of said hollow aluminum panel by press forming or roll forming.

THE REFERENCES

| | | |
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| Westaway | 471,407 | Mar. 22, 1892 |
| Howell | 3,150,707 | Sep. 29, 1964 |
| Katsumi (JP '080) ¹ (Japanese kokai) | 8-90080 | Apr. 9, 1996 |

THE REJECTION

Claims 8-11 and 16-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over JP '080 in view of the appellants' admitted prior art, Westaway and optionally Howell.²

¹ Citations herein to JP '080 are to an English translation thereof, a copy of which is provided to the appellants with this decision.

² Rejections of claims 8-11 and 16-18 under 35 U.S.C. § 112, first and second paragraphs, are withdrawn in the examiner's answer (pages 2-3).

OPINION

We reverse the aforementioned rejection.

JP '080 discloses a method for making an automotive sunshade panel by using compression molding to bend a hollow aluminum panel such that the panel has a radius of curvature which can be 11,200 mm (pages 8 and 15).

Each of the appellants' independent claims requires that longitudinal edges of the hollow aluminum panel are flanged by press forming or roll forming. The examiner argues that the JP '080 stretch part 19 is a flange (answer, pages 5, 7, 9, 12, 13, and 15). Stretch part 19 is an edge portion which is formed during the compression molding, as shown in figure 5, and is then excised (page 15) to form a sunshade panel which, as shown in figure 7, has no portion resembling a flange.

The examiner argues that Westaway (page 2, lines 30-36) would have led one of ordinary skill in the art to bend the JP '080 sunshade panel by passing it through the nip between concave and convex rollers instead of using compression molding, in order to reduce the cost and improve the retention of curvature (answer, page 7). Using a metal roller in combination with an elastic roller would have been obvious to one of ordinary skill in the art, the examiner argues, in view of the appellants'

admission that such a combination of rollers was known in the art for making sunshade panels (specification, page 2, lines 30-32). The examiner argues (answer, pages 8, 9, 12, 15 and 17) that Howell, which is directed toward shaping metal panels for making relatively large buildings, teaches that edges of a sheet can be flanged by roller forming (col. 1, lines 9-13; col. 7, lines 47-58).

The JP '080 sunshade panel has no flanged edge, as discussed above, and the examiner has not established that the JP '080 panel would have flanged longitudinal edges if it were made using Westaway's convex and concave rollers, one being metal and the other being elastic according to the appellants' admitted prior art. The examiner relies upon Howell for a teaching that it was known in the art to flange the edges of a panel using roller forming. The examiner, however, has not established that Howell, which is directed toward forming metal building panels having flanges which are fastened to the flanges of other panels by bolts, rivets or welding (col. 7, lines 52-58), would have led one of ordinary skill in the art to flange edges of the JP '080 sunshade panel.

For the above reasons we find that the examiner has not set forth a factual basis which is sufficient to support a conclusion

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of *prima facie* obviousness of the method recited in any of the appellants' claims. Accordingly, we reverse the examiner's rejection.

DECISION

The rejection of claims 8-11 and 16-18 under 35 U.S.C. § 103 over JP '080 in view of the appellants' admitted prior art, Westaway and optionally Howell, is reversed.

REVERSED

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| TERRY J. OWENS |) | |
| Administrative Patent Judge |) | |
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| CATHERINE TIMM |) | BOARD OF PATENT |
| Administrative Patent Judge |) | APPEALS AND |
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| JEFFREY T. SMITH |) | |
| Administrative Patent Judge |) | |

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